

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Office Action of July 21, 2009. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-10 are pending in the Application.

In the Office Action, it is suggested that the specification include section headings. Applicants note the suggestion however respectfully decline to add the headings since the section headings are not required and may be inappropriately utilized in interpreting the claimed subject matter.

In the Office Action, the drawings are objected to for not labeling FIGs. 1a and 1b as Prior Art. In response, FIGs. 1a and 1b are amended to include the legend --Prior Art--. A replacement sheet including FIGs. 1a and 1b is enclosed. Applicants respectfully request approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

In the Office Action, claim 1 objected to for an informality. Claim 10 is amended herein to address the concerns expressed in the Office Action. Specifically, claim 1 is amended to clarify that "the controlling means are adapted to control the writing means to

record ...". Accordingly, withdrawal of the objection to claim 1 is respectfully requested.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §112, second paragraph. This rejection of claims 1-10 under 35 U.S.C. §112, second paragraph is respectfully traversed. However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to clarify that which is recited in the claims. Specifically, the claims are amended to clarify that "the predefined fixed location is a location on the write-once storage medium that corresponds to a location that is predefined for a rewritable storage medium ...". Accordingly, it is respectfully submitted that claims 1-10 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,529,458 to Shin ("Shin"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-10 are allowable over Shin for at least the following reasons.

Shin shows a method for managing a defective area of a rewritable optical recording medium (see, Shin, abstract). Shin is

clear in the "Field of the Invention" portion of the specification of Shin that (emphasis added) "[t]he present invention [of Shin] relates to a rewritable optical recording medium system ..." (See, Shin, Col. 1, lines 8-9.)

As such, it is respectfully submitted that the teachings of Shin are not related to the present claims that recite, for example, a device for recording data to a write-once storage medium. As readily appreciated by a person of ordinary skill in the art, methods and techniques of managing a rewritable recording medium are very different than the techniques applied for a write-once storage medium. Further, a rewritable recording medium does not have a finalization act as recited in the claims as the rewritable recording medium is always capable of being rewritten.

Nonetheless, even if in arguendo, the suitability of Shin to the present claims is accepted, it is respectfully submitted that Shin still fails to teach, disclose or suggest the presently recited claim elements.

The Office Action essentially relies on FIG. 9 for showing that which is recited in the independent claims, however, it is respectfully submitted that reliance on FIG. 9 of Shin or any portion of Shin for that matter is misplaced.

Shin shows during step 905 cited in the Office Action, providing data to be written together with a New write command ("New" because the original write command is stopped due to defects present on the rewritable medium of Shin, see, steps 903-904). Thereafter, during step 906, the data is written at a position designated by the New write command.

While it is true that Shin shows writing of positional information on the defective area at a particular position within the data region during step 909 and writing out an Information Control Block (ICB) in the Universal Disk Format (UDF) during step 910, it is respectfully submitted that the data written during steps 909, 910 is not the same data written during step 906.

As discussed above, during step 905, the actual data provided to the write device is written, yet during step 909, positional information on the defective area is written and during step 910, an Information Control Block (ICB) is written in the Universal Disk Format (UDF).

Accordingly, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Shin. For example, Shin does not teach, disclose or suggest, a device that amongst other patentable elements, comprises a

(illustrative emphasis added) "device for recording data and data structures on a write-once storage medium, the data structures comprising space bit map and defect management structures, the device comprising writing means for recording the data and the data structures; controlling means for generating the data structures and controlling the writing means; wherein the controlling means are adapted to control the writing means to record the data structures on the write-once storage medium at a predefined temporary location in a reserved area on the write-once storage medium and to finalize the write-once storage medium by recording the data structures on the write-once storage medium at a predefined fixed location on the write-once storage medium, wherein the predefined fixed location is a location on the write-once storage medium that corresponds to a location that is predefined for a rewritable storage medium, wherein the predefined fixed location is a different location on the write-once storage medium than the predefined temporary location" as recited in claim 1, and as similarly recited in each of claims 4, 7 and 8.

As should be clear from the discussion above, Shin teaches a method for writing a rewritable data medium and merely shows recording the data on one portion of the disk and recording data

structures (e.g., different data) on another portion of the rewritable data medium. Further, since Shin teaches a method applicable to a rewritable data medium, clearly Shin does not teach, disclose or suggest finalizing the disk, since as readily appreciated by a person of ordinary skill in the art, finalizing is a technique applicable to a write-once storage medium.

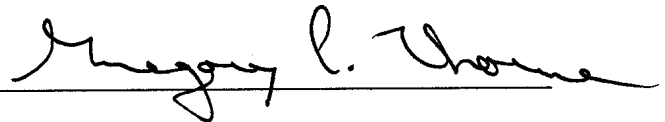
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 4, 7 and 8 are patentable over Shin and notice to this effect is earnestly solicited. Claims 2-3 and 5-6 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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October 21, 2009

Enclosure: Replacement drawing sheet (1 sheet including FIGs. 1a, 1b)

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